

00533906-001202

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
CIVIL ACTION NO. 99CV2668 H (AJB)

GEN-PROBE, INCORPORATED

Plaintiff

v.

VYSIS, INC.

Defendant

- - - - -  
Deposition of Alan E. Smith, Ph.D.

Thursday, May 17, 2001

Genzyme Corporation

One Kendall Square

Cambridge, Massachusetts

- - - - -  
Reporter: Deborah Roth, RPR

1 A. I don't specifically recall seeing it  
2 before.

3 Q. Did you generally receive, either prior to  
4 or at the meeting of the management committee or the  
5 partnership committee, a copy of an agenda?

6 A. I don't recall.

7 Q. On the first page of Exhibit 53 there's a  
8 list of topics and Topic No. 7 is patent strategy,  
9 with a presentation to be made by Dr. James  
10 Richards. Do you see that?

11 A. Yes.

12 Q. Can you recall Dr. Richards giving  
13 presentations on patents to the management committee  
14 or the partnership committee of Gene-Trak?

15 A. Do I remember generally? Generally, yes.

16 Q. Do you remember that Dr. Richards was  
17 Gene-Trak's director of business development and  
18 licensing?

19 A. Yes.

20 Q. Did Dr. Richards, when he made presentations  
21 on patents to the partnership committee, appear  
22 knowledgeable with respect to the technology he  
23 discussed?

24 A. Did he appear knowledgeable? I think the

02:36 1 answer is yes.

02:36 2 Q. I'm sorry?

02:37 3 A. He appeared knowledgeable. My recollection  
02:40 4 is that he appeared knowledgeable.

02:42 5 Q. Did he seem to have an understanding of  
02:45 6 nucleic acid hybridization technologies, to you?

02:48 7 A. To me at the time?

02:49 8 Q. Yes.

02:50 9 A. Yes.

03:04 10 Q. I would like you to look at what has been  
03:07 11 previously marked as Exhibit 56, which appears to be  
03:12 12 an agenda for a partnership committee meeting on  
03:14 13 June 11, 1987.

03:17 14 Would you look at that agenda so that  
03:20 15 you can tell me whether or not you've seen it  
03:23 16 before.

04:04 17 A. I don't specifically remember seeing this  
04:06 18 before.

04:09 19 Q. Do you think it's likely that you received a  
04:11 20 copy of Exhibit 56 in June 1987?

04:15 21 MR. LIPSEY: I object to the form.

04:19 22 A. I don't recall.

04:23 23 Q. I would like you to look on the first page  
04:25 24 of Exhibit 56. Topic 3 under the sub-heading